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C O N F I D E N T I A L SANTIAGO 000241

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E.O. 12958: DECL: 02/03/2016  
TAGS: [MARR](#) [PREL](#) [MASS](#) [MOPS](#) [CI](#)  
SUBJECT: FOREIGN MINISTRY ACCEPTS PROPOSAL FOR MILITARY  
EXERCISES UNDER TEMPORARY SOFA FROM MARCH THROUGH JUNE 2006

REF: A. STATE 16125  
[1](#)B. SANTIAGO 166  
[1](#)C. SANTIAGO 091  
[1](#)D. 05 STATE 225438  
[1](#)E. 05 SANTIAGO 2226

Classified By: Deputy Chief of Mission Emi L. Yamauchi for reasons 1.4(b) and (d).

[1](#)1. (U) This is an action request. See paragraph five.

[1](#)2. (C) On February 1, Post received a diplomatic note from the Foreign Ministry granting the regime of privileges and immunities for administrative and technical personnel of diplomatic missions established by the Vienna Convention on Diplomatic Relations of 1961 to U.S. personnel temporarily in Chile on military programs from March through June of 2006 (paragraph 3 contains an informal translation). The note does not state U.S. personnel must be accredited to the Embassy. The Foreign Ministry subsequently has provided oral assurances these personnel will be permitted to wear uniforms and carry weapons as required by their orders, and be allowed to enter Chile with military identification.

[1](#)3. (U) Below is the Embassy's informal translation of the Foreign Ministry's Diplomatic Note Number 886, dated January 27, 2006:

Republic of Chile  
Ministry of Foreign Relations

NO. 00886

The Ministry of Foreign Relations - Special Policy Directorate - presents its compliments to the Honorable Embassy of the United States of America and has the honor to refer to its Note No. 331 of December 13, 2005, regarding the status of members of the armed forces of the United States and civilian personnel of the United States Department of Defense who may be temporarily present in Chile in connection with military activities during the year 2006.

In this regard, the Ministry of Foreign Relations agrees to grant to the above-mentioned personnel, for the period of military activities to take place from March through June (inclusive), 2006, the regime of privileges and immunities established by the Vienna Convention on Diplomatic Relations of 1961 for administrative and technical personnel of Diplomatic Missions.

The Ministry of Foreign Relations - Special Policy Directorate - avails itself of this opportunity to renew to the Honorable Embassy of the United States of America the

assurances of its highest and most distinguished consideration.

Santiago, January 27, 2006.

End Text

¶4. (C) Comment: The Foreign Ministry's note does not make reference to the GOC's proposal to conclude a Memorandum of Defense Cooperation with the U.S. or its intention to introduce a bill in Congress to grant the executive branch the right to conclude long-term Status of Forces Agreements (SOFAs) (reftels b-c). Foreign Ministry Special Policies Director Luis Winter recently reiterated to poloff the GOC's desire to submit a SOFA-authority bill, but explained the current Foreign Ministry could not commit to doing so in writing (e.g. in the diplomatic note). Ambassador Winter expressed confidence the incoming government would agree with the need to empower the executive branch to enter into SOFAs with other countries. Post believes the Foreign Ministry's note, together with the Embassy's December 13, 2005 note (Ref. D), is sufficient to constitute an agreement to proceed with military exercises beginning in March 2006. End Comment.

¶5. (C) Action request: Post recommends the Department provide the Chilean government a formal response to its proposal to enter into a long-term SOFA with the U.S. as conveyed to the Ambassador by the Foreign Ministry (Ref C, Paragraph 9, sub 3.10). We understand the proposal contains little detail. However, the Lagos Administration's proposals are the first concrete sign that Chile is interested in pursuing a long-term SOFA. We believe it is in our interest to keep the discussions going through the transition from the Lagos to the Bachelet Administration. A formal response to the GOC's

proposal would be useful in this regard.

KELLY